IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.372 OF 2005
IN
CRIMINAL APPEAL 865 OF 2003

Daulatram Chandoomal Serai ...Applicant.

V/s

Union of India & Anr. ...Respondents.

Mr. Ganesh Gole for the applicant.
Mr. S.R. Shinde, APP for the State.

CORAM: V.M.KANADE,J.

DATE: 31st March, 2005

P.C.:

1. At the request of the learned APP time is sought on the ground that respondent No.1's Counsel is not well. Matter is adjourned from time to time. The request for adjournment is refused.

2. Application is made for return of the pass-port and on the ground that the pass-port is expiring on 11/5/2005. Permission is also sought to go abroad.

3. Applicant was convicted by the Trial Court for an offence punishable under section 135(1)(a) read with section 135(1)(i) of Customs Act and is sentenced to suffer S.I. for seven days and to pay fine of Rs 40,000/-. Applicant has already undergone sentence and has paid the amount of fine. Against the said

order, the State has preferred Criminal Appeal for enhancement of the sentence. The appeal is not likely to be heard for some time.

4. Under the facts and circumstances of the case, submissions made by the learned Counsel appearing on behalf of the applicant will have to be accepted. Respondent No.1 to release the applicant's pass-port. After the pass-port is released, if the applicant wishes to travel abroad, he is at liberty to make fresh application if he so desires.

5. Criminal Application is disposed of in the above terms.

V.M. KANADE, J.